

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 90-45 (As Amended)

Introduced by Council President Wilson
at the request of the County Executive
Legislative Day No. 90-25 Date August 7, 1990

AN ACT to repeal, in its entirety, Chapter 131 heading Flood Damage Prevention of the Harford County Code as amended, and to ~~re-enact~~ add new Chapter 131 heading Flood Damage Prevention, to provide for a revised floodplain management program in Harford County.

By the Council, August 7, 1990
Introduced, read first time, ordered posted and public hearing scheduled
on: September 6, 1990
at: 6:00 P.M.
By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 6, 1990, and concluded on, September 6, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
2 COUNTY, MARYLAND, THAT CHAPTER 131, IN ITS ENTIRETY, HEADING FLOOD
3 DAMAGE PREVENTION OF THE HARFORD COUNTY CODE AS AMENDED, BE AND IT
4 IS HEREBY ~~REPEALED~~ REPEALED, AND RE-ENACTED WITH AMENDMENTS THAT
5 NEW CHAPTER 131, FLOOD DAMAGE PREVENTION, BE, AND IT IS HEREBY,
6 ADDED TO THE HARFORD COUNTY CODE, AS AMENDED, ALL TO READ AS
7 FOLLOWS:

8 CHAPTER 131. FLOOD DAMAGE PREVENTION

9 ARTICLE 1. REGULATORY PROVISIONS

10 SECTION 131-1. SHORT TITLE

11 THIS ACT SHALL HEREAFTER BE REFERRED TO AS THE "HARFORD COUNTY
12 FLOODPLAIN MANAGEMENT PROGRAM".

13 SECTION 131-2. FINDINGS AND INTENT

14 WHEREAS, CERTAIN AREAS OF HARFORD COUNTY ARE SUBJECT TO
15 PERIODIC INUNDATION WHICH RESULTS IN LOSS OF LIFE AND PROPERTY,
16 RISKS TO HEALTH AND SAFETY, DISRUPTION OF COMMERCE AND GOVERNMENTAL
17 SERVICES, AND EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD
18 PROTECTION AND RELIEF; AND

19 WHEREAS, FLOOD LOSSES AND ASSOCIATED LOSSES ARE CREATED BY
20 STRUCTURES INAPPROPRIATELY LOCATED, INADEQUATELY ELEVATED OR
21 OTHERWISE UNPROTECTED AND VULNERABLE TO FLOODS OR BY DEVELOPMENT
22 WHICH INCREASES FLOOD DAMAGE TO OTHER LANDS OR DEVELOPMENT; AND

23 WHEREAS, THE BIOLOGICAL VALUES OF FLOODPLAINS, PARTICULARLY
24 TIDAL AND NON-TIDAL WETLANDS, CAN BE ADVERSELY AFFECTED BY
25 FLOODPLAIN DEVELOPMENT; AND

26 WHEREAS, HARFORD COUNTY HAS THE RESPONSIBILITY UNDER THE FLOOD
27 CONTROL AND WATERSHED MANAGEMENT ACT, SECTION 8-9A-01 ET SEQ.,
28 NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, TO
29 CONTROL FLOODPLAIN DEVELOPMENT IN ORDER TO PROTECT PERSONS AND

1 PROPERTY FROM DANGER AND DESTRUCTION AND TO PRESERVE THE BIOLOGICAL
2 VALUES AND THE ENVIRONMENTAL QUALITY OF THE WATERSHEDS OR PORTIONS
3 THEREOF UNDER ITS JURISDICTION; AND

4 WHEREAS, HARFORD COUNTY HAS THE RESPONSIBILITY UNDER THE
5 NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED AND THE FLOOD
6 DISASTER PROTECTION ACT OF 1973, AS AMENDED, TO ADOPT AND ENFORCE
7 FLOODPLAIN MANAGEMENT REGULATIONS WHICH MEET THE REQUIREMENTS OF 44
8 CODE OF FEDERAL REGULATIONS PARTS 55-77, ET SEQ., IN ORDER TO
9 PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM AND REMAIN
10 ELIGIBLE FOR FEDERALLY SUBSIDIZED FLOOD INSURANCE, FEDERAL DISASTER
11 RELIEF, AND FEDERAL AND STATE FINANCIAL ASSISTANCE.

12 WHEREAS, HARFORD COUNTY HAS THE RESPONSIBILITY THROUGH THE
13 NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM TO
14 IMPLEMENT FLOOD HAZARD MANAGEMENT ACTIVITIES WHICH EXCEED THE
15 MINIMUM STANDARDS ESTABLISHED BY THE FEDERAL GOVERNMENT IN ORDER TO
16 REDUCE NATIONAL FLOOD INSURANCE PREMIUMS FOR THE FLOODPLAIN
17 OCCUPANT, FACILITATE ACCURATE FLOOD INSURANCE RATING, AND PROMOTE
18 THE AWARENESS OF FLOOD INSURANCE.

19 NOW THEREFORE IT IS THE PURPOSE OF THIS CHAPTER TO PROTECT
20 HUMAN LIFE AND HEALTH; TO MINIMIZE PUBLIC AND PRIVATE PROPERTY
21 DAMAGE; TO ENCOURAGE THE UTILIZATION OF APPROPRIATE CONSTRUCTION
22 PRACTICES IN ORDER TO PREVENT OR MINIMIZE FLOOD DAMAGE IN THE
23 FUTURE; TO PROTECT INDIVIDUALS FROM UNWITTINGLY BUYING LANDS AND
24 STRUCTURES WHICH ARE UNSUITED FOR INTENDED PURPOSES BECAUSE OF THE
25 FLOOD HAZARDS; TO PROTECT WATER SUPPLY, SANITARY SEWAGE DISPOSAL,
26 AND NATURAL DRAINAGE; TO REDUCE FINANCIAL BURDENS IMPOSED ON THE

1 COMMUNITY, ITS GOVERNMENTAL UNITS, AND ITS RESIDENTS BY PREVENTING
2 THE UNWISE DESIGN AND CONSTRUCTION OF DEVELOPMENT IN AREAS SUBJECT
3 TO FLOODING; TO PROVIDE FOR PUBLIC AWARENESS OF THE FLOODING
4 POTENTIAL; AND TO PROVIDE FOR THE BIOLOGICAL AND ENVIRONMENTAL
5 QUALITY OF THE WATERSHEDS OR PORTIONS THEREOF LOCATED IN HARFORD
6 COUNTY. THE PROVISIONS OF THIS ORDINANCE PROVIDE A UNIFIED
7 COMPREHENSIVE APPROACH TO FLOODPLAIN MANAGEMENT WHICH ADDRESSES
8 REQUIREMENTS OF THE FEDERAL AND STATE PROGRAMS CONCERNED WITH
9 FLOODPLAIN MANAGEMENT; NAMELY, THE NATIONAL FLOOD INSURANCE PROGRAM
10 AND THE PRESIDENT'S EXECUTIVE ORDER 11988 OF MAY 27, 1977 ON
11 FLOODPLAIN MANAGEMENT, THE STATE'S WATERWAY CONSTRUCTION PERMIT
12 PROGRAM, STATE WETLANDS PERMIT PROGRAM, THE U.S. ARMY CORPS OF
13 ENGINEERS' SECTION 10 AND SECTION 404 PERMIT PROGRAMS; AND THE
14 STATE'S COASTAL ZONE MANAGEMENT PROGRAM.

15 SECTION 131-3. DEFINITIONS

16 THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS THE
17 CONTEXT CLEARLY REQUIRES A DIFFERENT MEANING OR A DIFFERENT
18 DEFINITION IS ADOPTED FOR A PARTICULAR SECTION. CERTAIN TECHNICAL
19 WORDS ARE DEFINED IN SECTION 267-4 OF THE HARFORD COUNTY CODE.

20 ACCESSORY STRUCTURE OR USE - A STRUCTURE OR USE OF LAND, OR
21 PORTION THEREOF, CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE
22 PRINCIPAL USE OF THE LAND OR BUILDING AND LOCATED ON THE SAME LOT
23 OR PARCEL OF LAND WITH SUCH PRINCIPAL USE. THE MAXIMUM GROSS FLOOR
24 AREA FOR AN ACCESSORY STRUCTURE WITHIN A FLOODPLAIN DISTRICT SHALL
25 BE 300 SQUARE FEET AND LIMITED TO ONE STORY.

26 APPROXIMATE FLOODPLAIN - THOSE PORTIONS OF LAND WITHIN THE

1 FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY THE 100 YEAR FLOOD,
2 WHERE A DETAILED STUDY HAS NOT BEEN PERFORMED BUT WHERE A 100 YEAR
3 FLOODPLAIN BOUNDARY HAS BEEN APPROXIMATED.

4 CERTIFICATE OF OCCUPANCY - THE OFFICIAL FORM USED BY HARFORD
5 COUNTY CERTIFYING THAT THE STRUCTURE HAS BEEN BUILT CONSISTENT WITH
6 APPROVED PLANS AND MAY BE LEGALLY INHABITED OR USED FOR THE
7 INTENDED PURPOSE.

8 COASTAL FLOODPLAIN - THOSE PORTIONS OF THE FLOODPLAIN DISTRICT
9 SUBJECT TO COASTAL OR TIDAL FLOODING BY A ONE HUNDRED (100) YEAR
10 FLOOD, WHERE DETAILED STUDY DATA ARE AVAILABLE.

11 DEVELOPMENT - ANY MAN MADE CHANGE TO IMPROVED OR UNIMPROVED
12 REAL ESTATE, INCLUDING BUT NOT LIMITED TO ANY CONSTRUCTION,
13 RECONSTRUCTION, MODIFICATION, EXTENSION OR EXPANSION OF BUILDINGS
14 OR OTHER STRUCTURES, PLACEMENT OF FILL OR CONCRETE, DUMPING,
15 MINING, DREDGING, GRADING, PAVING, DRILLING OPERATIONS, STORAGE OF
16 MATERIALS AND EQUIPMENT, LAND EXCAVATION, LAND CLEARING, LAND
17 IMPROVEMENT, LAND FILL OPERATION, OR ANY COMBINATION THEREOF. THIS
18 TERM SHALL ALSO INCLUDE THE SUBDIVISION OF LAND.

19 ELEVATION CERTIFICATE - THE OFFICIAL FORM AS PREPARED AND
20 DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY USING MEAN
21 SEA LEVEL AS ESTABLISHED BY THE NATIONAL GEODETIC VERTICAL DATUM
22 (NGVD) OF 1929.

23 EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - A
24 MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF
25 FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES
26 ARE TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE INSTALLATION OF

1 UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE
2 GRADING OR THE POURING OF CONCRETE PADS) ARE COMPLETED PRIOR THE
3 FIRST FLOODPLAIN ORDINANCE ADOPTED BY HARFORD COUNTY.

4 EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION
5 - THE PREPARATION OF ADDITIONAL SITES BY THE CONSTRUCTION OF
6 FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURING HOMES
7 ARE TO BE AFFIXED (INCLUDING THE INSTALLATION OF UTILITIES, THE
8 CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE
9 POURING OF CONCRETE PADS).

10 FLOOD - A TEMPORARY INUNDATION OF NORMALLY DRY LAND AREAS.

11 FLOODPLAIN - THE CHANNEL AND A CONTIGUOUS AREA OF A STREAM,
12 RIVER OR OTHER WATER BODY WHICH HAS BEEN OR MAY REASONABLY EXPECT
13 TO BE FLOODED BY FLOOD WATERS WITH AN AVERAGE FREQUENCY OF
14 OCCURRENCE ON THE ORDER OF ONCE EVERY ONE HUNDRED (100) YEARS, AS
15 IDENTIFIED IN A FEMA FLOOD INSURANCE STUDY OR IN A MORE DETAILED
16 STUDY UNDERTAKEN OR APPROVED BY THE COUNTY.

17 FLOODPLAIN DISTRICT - ALL AREAS SUBJECT TO INUNDATION BY FLOOD
18 WATERS WITH AN AVERAGE FREQUENCY OF OCCURRENCE ON THE ORDER OF ONCE
19 EVERY ONE HUNDRED (100) YEARS.

20 FLOOD PROFILE - A GRAPH OF LONGITUDINAL PROFILE SHOWING THE
21 RELATIONSHIP OF THE WATER-SURFACE ELEVATION OF A FLOOD EVENT TO
22 LOCATION ALONG A STREAM OR RIVER.

23 FLOODPROOFING - ANY COMBINATION OF STRUCTURAL AND NON-
24 STRUCTURAL ADDITIONS, CHANGES OR ADJUSTMENTS OF PROPERTIES AND
25 STRUCTURES WHICH REDUCE OR ELIMINATE FLOOD DAMAGE TO LANDS, WATER
26 AND SANITARY FACILITIES, STRUCTURES AND CONTENTS OF BUILDINGS.

1 FLOODWAY - THAT PORTION OF THE FLOODPLAIN DISTRICT REQUIRED TO
2 CARRY AND DISCHARGE THE WATERS OF A ONE HUNDRED (100) YEAR FLOOD
3 WITHOUT INCREASING THE WATER SURFACE ELEVATION AT ANY POINT MORE
4 THAN ONE FOOT ABOVE EXISTING ONE HUNDRED (100) YEAR FLOOD
5 CONDITIONS.

6 FLOODWAY FRINGE - THOSE PORTIONS OF LAND WITHIN THE FLOODPLAIN
7 DISTRICT SUBJECT TO INUNDATION BY A ONE HUNDRED (100) YEAR FLOOD,
8 LYING BEYOND THE FLOODWAY (WHERE A FLOODWAY HAS BEEN DETERMINED) OR
9 IN AREAS WHERE DETAILED STUDY DATA, PROFILES, AND ONE HUNDRED (100)
10 YEAR FLOOD ELEVATIONS HAVE BEEN ESTABLISHED.

11 LOWEST FLOOR - THE LOWEST FLOOR OF THE LOWEST ENCLOSED AREA
12 (INCLUDING BASEMENT). AN UNFINISHED OR FLOOD RESISTANT ENCLOSURE,
13 USABLE SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS OR STORAGE
14 IN AN AREA OTHER THAN A BASEMENT AREA IS NOT CONSIDERED A
15 BUILDING'S LOWEST FLOOR, PROVIDED THAT SUCH ENCLOSURE IS NOT BUILT
16 SO AS TO RENDER THE STRUCTURE IN VIOLATION OF THE APPLICABLE NON-
17 ELEVATION DESIGN REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT
18 AGENCY, NATIONAL FLOOD INSURANCE PROGRAM.

19 MANUFACTURED HOME - A STRUCTURE, TRANSPORTABLE IN ONE OR MORE
20 SECTIONS, WHICH IS BUILT ON A PERMANENT CHASSIS AND IS DESIGNED FOR
21 USE WITH OR WITHOUT A PERMANENT FOUNDATION WHEN ATTACHED TO THE
22 REQUIRED UTILITIES. THE TERM "MANUFACTURED HOME" DOES NOT INCLUDE
23 A "RECREATIONAL VEHICLE".

24 NEW CONSTRUCTION - STRUCTURES FOR WHICH THE START OF
25 CONSTRUCTION, AS HEREIN DEFINED, COMMENCED ON OR AFTER THE DATE OF
26 ENTRY INTO THE REGULAR PROGRAM OR THE EFFECTIVE DATE OF THIS

1 ORDINANCE, WHICHEVER OCCURRED FIRST.

2 NEW MANUFACTURED HOME PARK OR SUBDIVISION - A MANUFACTURED
3 HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES
4 FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE
5 AFFIXED (INCLUDING AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE
6 CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE
7 POURING OF CONCRETE PADS) IS COMPLETED ON OR AFTER THE FIRST
8 FLOODPLAIN ORDINANCE ADOPTED BY HARFORD COUNTY.

9 ONE HUNDRED (100) YEAR FLOOD - A FLOOD THAT HAS ONE CHANCE IN
10 ONE HUNDRED OR ONE PERCENT CHANCE OF BEING EQUALLED OR EXCEEDED IN
11 ANY GIVEN YEAR.

12 PERMANENT CONSTRUCTION - ANY STRUCTURE BUILT OR PLACED ON A
13 SITE FOR MORE THAN 180 CONSECUTIVE DAYS.

14 PRINCIPALLY ABOVE GROUND - STRUCTURES WITH AT LEAST 51 PERCENT
15 OF THE ACTUAL CASH VALUE OF THE STRUCTURE, LESS LAND VALUE, ABOVE
16 GROUND.

17 RECREATIONAL VEHICLE - A VEHICLE WHICH IS:

18 (A) BUILT ON A SINGLE CHASSIS AND READY FOR HIGHWAY USE;

19 (B) 400 SQUARE FEET OR LESS WHEN MEASURED AT THE LARGEST
20 HORIZONTAL PROJECTION;

21 (C) DESIGNED TO BE SELF-PROPELLED OR PERMANENTLY TOWABLE
22 BY A LIGHT DUTY TRUCK; AND

23 (D) DESIGNED PRIMARILY NOT FOR USE AS A PERMANENT
24 DWELLING BUT AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING
25 TRAVEL, OR SEASONAL USE.

26 A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS

1 ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY
2 QUICK DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO
3 PERMANENTLY ATTACHED ADDITIONS.

4 START OF CONSTRUCTION - THE DATE THE BUILDING PERMIT WAS
5 ISSUED, PROVIDED THE ACTUAL START OF CONSTRUCTION, REPAIR,
6 RECONSTRUCTION, PLACEMENT, SUBSTANTIAL IMPROVEMENT OR OTHER
7 IMPROVEMENT OCCURS WITHIN 180 DAYS OF THE PERMIT DATE. THE ACTUAL
8 START OF CONSTRUCTION MEANS EITHER THE FIRST PLACEMENT OF PERMANENT
9 CONSTRUCTION OF A STRUCTURE ON A SITE, SUCH AS THE POURING OF SLAB
10 OR FOOTINGS, THE INSTALLATION OF PILES, THE CONSTRUCTION OF
11 COLUMNS, OR ANY WORK BEYOND THE STAGE OF EXCAVATION; OR THE
12 PLACEMENT OF A MANUFACTURED HOME ON A FOUNDATION. PERMANENT
13 CONSTRUCTION, AS USED IN THIS DEFINITION, DOES NOT INCLUDE LAND
14 PREPARATION SUCH AS CLEARING, GRADING AND FILLING; NOR DOES IT
15 INCLUDE THE INSTALLATION OF STREETS AND/OR WALKWAYS; NOR DOES IT
16 INCLUDE EXCAVATION FOR BASEMENTS, FOOTINGS, PIERS, FOUNDATIONS, OR
17 THE ERECTION OF TEMPORARY FORMS; NOR DOES IT INCLUDE THE
18 INSTALLATION ON THE PROPERTY OF ACCESSORY BUILDINGS SUCH AS GARAGES
19 OR SHEDS NOT OCCUPIED AS DWELLING UNITS OR NOT AS PART OF THE MAIN
20 STRUCTURE.

21 SUBSTANTIAL DAMAGE - DAMAGE OF ANY ORIGIN SUSTAINED BY A
22 STRUCTURE WHEREBY THE COST OF RESTORING THE STRUCTURE TO ITS BEFORE
23 DAMAGED CONDITION WOULD EQUAL OR EXCEED 50 PERCENT OF THE MARKET
24 VALUE OF THE STRUCTURE BEFORE THE DAMAGE OCCURRED.

25 SUBSTANTIAL IMPROVEMENT - ANY REPAIR, RECONSTRUCTION, OR
26 IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EXCEEDS 50 PERCENT OF

1 THE MARKET VALUE OF THE STRUCTURE EITHER: (1) BEFORE THE
2 IMPROVEMENT OR REPAIR IS STARTED; OR (2) IF THE STRUCTURE HAS BEEN
3 DAMAGED AND IS BEING RESTORED, BEFORE THE DAMAGE OCCURRED. FOR THE
4 PURPOSE OF THIS DEFINITION "SUBSTANTIAL IMPROVEMENT" IS CONSIDERED
5 TO OCCUR WHEN THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR
6 OTHER STRUCTURAL PART OF THE BUILDING COMMENCES, WHETHER OR NOT
7 THAT ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE STRUCTURE.
8 THE TERM DOES NOT, HOWEVER, INCLUDE EITHER: (1) ANY PROJECT FOR
9 IMPROVEMENT OF A STRUCTURE TO COMPLY WITH EXISTING STATE OR LOCAL
10 HEALTH, SANITARY, OR SAFETY CODE SPECIFICATIONS WHICH ARE SOLELY
11 NECESSARY TO ASSURE SAFE LIVING CONDITIONS; OR (2) ANY ALTERATION
12 OF A STRUCTURE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES
13 OR THE STATE INVENTORY OF HISTORIC PLACES.

14 TEMPORARY DEVELOPMENT - ANY BUILDING, CONSTRUCTION, AND/OR
15 ASSEMBLAGE OF STRUCTURES SUCH AS CONSTRUCTION SHEDS, SEATS,
16 CANOPIES, TENTS AND FENCES USED IN CONSTRUCTION WORK OR FOR
17 TEMPORARY PURPOSES SUCH AS REVIEWING STANDS, FAIRS, CARNIVALS OR
18 FLEA MARKETS WHICH ARE COMPLETELY REMOVED UPON THE EXPIRATION OF
19 180 DAYS OR LESS AS STATED IN THE PERMIT.

20 UTILITIES - A UTILITY FACILITY OWNED BY A GOVERNMENTAL AGENCY
21 OR PRIVATE ORGANIZATION, MAINTAINED AND OPERATED FOR BENEFIT OF THE
22 GENERAL PUBLIC INCLUDING BUT NOT LIMITED TO: GAS LINES, ELECTRICAL
23 AND TELEPHONE SYSTEMS, SEWER AND WATER LINES, STORM DRAINS, SEPTIC
24 TANKS, SEWAGE PUMPING STATIONS, ELECTRICAL TRANSMISSION LINES OF
25 SIXTY-NINE (69) KILOVOLTS OR GREATER, AND INTERSTATE AND INTRASTATE
26 PIPELINES.

1 WAIVER - A GRANTING OF RELIEF BY THE DIRECTOR OF PLANNING FROM
2 CERTAIN TERMS AND CONDITIONS ESTABLISHED BY THIS CHAPTER.

3 WETLAND FLOOD PLAIN - THOSE PORTIONS OF LAND WITHIN THE
4 FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY A ONE HUNDRED (100)
5 YEAR FLOOD AND DETERMINED TO BE NON-TIDAL OR TIDAL WETLANDS.

6 SECTION 131-4. ESTABLISHMENT OF FLOODPLAIN DISTRICT

7 A. THE HARFORD COUNTY COUNCIL HEREBY ESTABLISHES A
8 FLOODPLAIN DISTRICT AND AN OFFICIAL FLOODPLAIN MAP TO INCLUDE ALL
9 AREAS SUBJECT TO INUNDATION BY THE WATERS OF THE ONE HUNDRED (100)
10 YEAR FLOOD. THE SOURCE OF THIS DELINEATION SHALL BE AT A MINIMUM
11 THE FLOOD INSURANCE STUDY FOR HARFORD COUNTY, MARYLAND ISSUED ON
12 MARCH 2, 1983, THE "FLOOD INSURANCE RATE MAPS", AND THE "FLOOD
13 BOUNDARY AND FLOODWAY MAPS". THE FLOODPLAIN DISTRICT AND THE
14 OFFICIAL FLOODPLAIN MAP SHALL BE DEEMED AN OVERLAY ON ANY EXISTING,
15 AND HEREAFTER ESTABLISHED, ZONES OR DISTRICTS WITHIN HARFORD
16 COUNTY.

17 B. FLOODPLAIN DISTRICT AND FLOOD ELEVATION INFORMATION SHALL
18 BE PROVIDED TO THE PUBLIC UPON REQUEST. THE DECISION OF THE
19 HARFORD COUNTY COUNCIL, WHEN MADE IN THE EXERCISE OF DUE DILIGENCE
20 AND GOOD FAITH AS TO THE LOCATION OF A PARCEL OF LAND, BUILDING
21 SITE OR EXISTING STRUCTURE RELATIVE TO THE FLOODPLAIN DISTRICT
22 SHALL BE CONSIDERED SUFFICIENT TO COMPLY WITH THIS ORDINANCE AND
23 DOES NOT CREATE ADDITIONAL MUNICIPAL LIABILITY.

24 C. THE FLOODPLAIN DISTRICT SHALL BE COMPRISED OF THE
25 FOLLOWING SUBDISTRICTS:

26 1. FLOODWAY - THAT PORTION OF THE FLOODPLAIN DISTRICT

1 REQUIRED TO CARRY AND DISCHARGE THE WATERS OF THE ONE HUNDRED (100)
2 YEAR FLOOD WITHOUT INCREASING THE WATER SURFACE ELEVATION AT ANY
3 POINT MORE THAN ONE (1) FOOT ABOVE EXISTING ONE HUNDRED (100) YEAR
4 FLOOD CONDITIONS. THE FLOODWAY APPEARS ON THE "FLOOD BOUNDARY AND
5 FLOODWAY MAPS". THIS TERM SHALL ALSO INCLUDE FLOODWAYS AS
6 ESTABLISHED BY ARTICLE I, SECTION III OF THIS ACT.

7 2. FLOODWAY FRINGE - THOSE PORTIONS OF LAND WITHIN THE
8 FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY THE ONE HUNDRED (100)
9 YEAR FLOOD, LYING BEYOND THE FLOODWAY (WHERE A FLOODWAY HAS BEEN
10 DETERMINED) OR IN AREAS WHERE DETAILED STUDY DATA, PROFILES AND ONE
11 HUNDRED (100) YEAR FLOOD ELEVATIONS HAVE BEEN ESTABLISHED. THE
12 FLOODWAY FRINGE APPEARS ON THE "FLOOD BOUNDARY AND FLOODWAY MAPS;
13 AND "FLOOD INSURANCE RATE MAPS".

14 3. APPROXIMATE FLOODPLAIN - THOSE PORTIONS OF LAND
15 WITHIN THE FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY THE ONE
16 HUNDRED (100) YEAR FLOOD, WHERE A DETAILED STUDY HAS NOT BEEN
17 PERFORMED BUT WHERE A ONE HUNDRED (100) YEAR FLOODPLAIN BOUNDARY
18 HAS BEEN APPROXIMATED. A ONE HUNDRED (100) YEAR FLOOD ELEVATION
19 SHALL BE ESTABLISHED AFTER CONSIDERATION OF ANY FLOOD ELEVATION AND
20 FLOODWAY DATA AVAILABLE FROM FEDERAL, STATE, OR OTHER SOURCES. THE
21 APPROXIMATE FLOODPLAIN APPEARS ON BOTH THE "FLOOD INSURANCE RATE
22 MAPS" AND "FLOOD BOUNDARY AND FLOODWAY MAPS" AND MAY APPEAR ON ALL
23 PANELS AS ZONE A.

24 4. COASTAL FLOODPLAIN - THOSE PORTIONS OF THE
25 FLOODPLAIN DISTRICT SUBJECT TO COASTAL OR TIDAL FLOODING BY A ONE
26 HUNDRED (100) YEAR FLOOD, WHERE DETAILED STUDY DATA ARE AVAILABLE.

1 THE COASTAL FLOODPLAIN APPEARS ON THE "FLOOD INSURANCE RATE MAPS"
2 AS ZONES A, AE, AND A1 - A30.

3 5. WETLAND FLOODPLAIN - THOSE PORTIONS OF LAND WITHIN
4 THE FLOODPLAIN DISTRICT SUBJECT TO INUNDATION BY A ONE HUNDRED
5 (100) YEAR FLOOD AND DETERMINED TO BE TIDAL OR NON-TIDAL WETLANDS.

6 D. THE OFFICIAL FLOODPLAIN MAP SHALL BE THE "FLOOD INSURANCE
7 RATE MAPS" AND "FLOOD BOUNDARY AND FLOODWAY MAPS" AS PREPARED BY
8 THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ISSUED ON MARCH 2, 1983,
9 AND ANY SUBSEQUENT AMENDMENTS. THE OFFICIAL FLOODPLAIN MAP WHICH
10 REFLECTS THE BOUNDARIES OF THE FLOODPLAIN DISTRICT AND ITS
11 SUBDISTRICTS SHALL BE PREPARED AND MAINTAINED IN FORCE AS PART OF
12 THIS ORDINANCE.

13 E. THE DELINEATION OF THE FLOODPLAIN DISTRICT MAY BE
14 REVISED, AMENDED AND MODIFIED BY THE HARFORD COUNTY COUNCIL IN
15 COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM AND THE
16 MARYLAND DEPARTMENT OF NATURAL RESOURCES, WHEN:

17 1. THERE ARE CHANGES THROUGH NATURAL OR OTHER CAUSES TO
18 FLOOD ELEVATIONS AND BOUNDARIES; AND/OR

19 2. CHANGES ARE INDICATED BY DETAILED HYDROLOGIC AND
20 HYDRAULIC INFORMATION AND STUDIES.

21 AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIX (6) MONTHS
22 AFTER THE DATE SUCH INFORMATION BECOMES AVAILABLE, HARFORD COUNTY
23 SHALL NOTIFY THE FEDERAL INSURANCE ADMINISTRATOR OF THE CHANGES BY
24 SUBMITTING TECHNICAL AND SCIENTIFIC DATA IN ACCORDANCE WITH THE 44
25 CODE OF FEDERAL REGULATIONS, PART 65. ALL SUCH CHANGES SHALL BE
26 SUBJECT TO THE REVIEW AND APPROVAL OF THE FEDERAL EMERGENCY

1 MANAGEMENT AGENCY AND THE MARYLAND DEPARTMENT OF NATURAL
2 RESOURCES.

3 F. THE BOUNDARY OF THE MAPPED FLOODPLAIN DISTRICT OR ITS
4 SUBDISTRICTS MAY BE ADJUSTED UPON THE APPROVAL OF THE HARFORD
5 COUNTY DEPARTMENT OF PLANNING AND ZONING BASED ON A FIELD ELEVATION
6 CERTIFICATION PERFORMED BY A REGISTERED PROFESSIONAL ENGINEER OR A
7 LAND SURVEYOR PROVIDED THAT THE LAND AREA HAS NOT BEEN FILLED OR
8 OTHERWISE ALTERED IN ORDER TO QUALIFY FOR SUCH BOUNDARY ADJUSTMENT.
9 ANY ADJUSTMENT TO THE FLOODPLAIN BOUNDARY MAY BE SUBJECT TO THE
10 APPROVAL OF THE DEPARTMENT OF NATURAL RESOURCES AND THE FEDERAL
11 EMERGENCY MANAGEMENT AGENCY.

12 G. FOR ANY DEVELOPMENT, EXCLUDING THE PROVISION OF
13 UNDERGROUND UTILITIES, OR ANY SUBDIVISION OF LAND INVOLVING ONE OR
14 MORE LOTS WHICH RECEIVE DRAINAGE FROM AN AREA OF 100 ACRES OR MORE
15 AND ARE NOT LOCATED IN AN IDENTIFIED FLOODPLAIN DISTRICT, THE
16 PROPERTY OWNER SHALL HAVE THE SPECIFIC 100-YEAR FLOODPLAIN
17 DESIGNATED BY A REGISTERED PROFESSIONAL ENGINEER OR REGISTERED LAND
18 SURVEYOR AND DISPLAYED ON THE PLAT AND SITE PLAN FOR THE PROPERTY
19 PRIOR TO ISSUANCE OF ANY BUILDING PERMIT. IN ADDITION, THE
20 DEPARTMENTS OF PLANNING AND ZONING AND PUBLIC WORKS MAY APPROVE
21 CERTAIN OTHER FLOOD PRONE AREAS TO BE ADDED TO THE FLOODPLAIN
22 DISTRICT WHERE THESE AREAS HAVE BEEN STUDIED AND CERTIFIED BY A
23 REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR AS TO THEIR
24 POTENTIAL FOR FLOODING PROBLEMS. THESE AREAS AS DESIGNATED ABOVE
25 SHALL BE ADDED TO THE 100-YEAR FLOODPLAIN DISTRICT AND ALL
26 RESTRICTIONS APPLICABLE TO THE 100-YEAR FLOODPLAIN DISTRICT SHALL

1 BE ADHERED TO AND ENFORCED. ALL ADDITIONAL 100-YEAR FLOODPLAIN
2 DESIGNATIONS SHALL BE SUBMITTED TO THE FEDERAL EMERGENCY MANAGEMENT
3 AGENCY AS STIPULATED IN SECTION 131-4.E. OF THIS CHAPTER.

4 SECTION 131-5. DEVELOPMENT REGULATIONS

5 IN ORDER TO PREVENT EXCESSIVE DAMAGE TO BUILDINGS AND
6 STRUCTURES, THE FOLLOWING RESTRICTIONS SHALL APPLY TO ALL NEW
7 CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO EXISTING STRUCTURES
8 OCCURRING IN THE FLOODPLAIN DISTRICT. IN THE EVENT A PROPOSED
9 BUILDING, STRUCTURE, OR SUBSTANTIAL IMPROVEMENT IS CITED IN TWO
10 DIFFERENT SUBDISTRICTS OR IN A SUBDISTRICT WITH TWO DIFFERENT ONE
11 HUNDRED (100) YEAR FLOOD ELEVATIONS THE MOST RESTRICTIVE
12 REGULATIONS AND/OR HIGHER FLOOD ELEVATION SHALL PREVAIL.

13 A. IN THE FLOODWAY THE FOLLOWING REGULATIONS SHALL APPLY:

14 1. ALL NEW RESIDENTIAL DEVELOPMENT SHALL BE PROHIBITED.
15 2. ANY CONSTRUCTION OF UTILITIES SHALL BE DONE PURSUANT
16 TO §131-5.A.4.

17 3. NO OTHER DEVELOPMENT SHALL BE PERMITTED UNLESS THE
18 DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT:

19 A. THE PROPOSED DEVELOPMENT WILL HAVE NO
20 MEASURABLE EFFECT ON THE STREAM, VELOCITIES, WATER SURFACE
21 ELEVATIONS DURING THE 100-YEAR STORM, OR ANY EXISTING DEVELOPMENT;
22 AND IS DEMONSTRATED AS SUCH USING THE CRITERIA ESTABLISHED BY THE
23 FEDERAL EMERGENCY MANAGEMENT AGENCY;

24 B. ANY EFFECT ON FLOOD HEIGHTS FROM THE PROPOSED
25 DEVELOPMENT SHALL BE FULLY OFFSET BY ACCOMPANYING STREAM
26 MODIFICATION AND THE DEVELOPMENT IS APPROVED BY ALL APPROPRIATE

1 LOCAL AUTHORITIES, THE MARYLAND DEPARTMENT OF NATURAL RESOURCES,
2 WATER RESOURCES ADMINISTRATION, AND THE U.S. ARMY CORPS OF
3 ENGINEERS; AND

4 C. THE PROPOSED DEVELOPMENT WILL WITHSTAND THE
5 100-YEAR FLOOD WITHOUT SUBSTANTIAL DAMAGE.

6 4. UTILITIES IN THE FLOODWAY MAY BE PERMITTED ONLY
7 AFTER ALL NECESSARY APPROVALS HAVE BEEN OBTAINED FROM THE HARFORD
8 COUNTY DEPARTMENT OF PUBLIC WORKS, THE MARYLAND DEPARTMENT OF
9 NATURAL RESOURCES AND THE U.S. ARMY CORPS OF ENGINEERS. DESIGN
10 PLANS, APPLICATIONS, APPROVALS AND COPIES OF STATE AND FEDERAL
11 PERMITS SHALL BE RETAINED BY THE DEPARTMENT OF PUBLIC WORKS AND
12 AVAILABLE FOR REVIEW DURING PERIODIC ASSESSMENTS CONDUCTED BY THE
13 FEDERAL EMERGENCY MANAGEMENT AGENCY OR ITS AUTHORIZED AGENT.
14 UTILITIES IN THE FLOODWAY SHALL BE CONSTRUCTED IN THE FOLLOWING
15 MANNER:

16 A. NEW OR REPLACEMENT WATER AND SANITARY SEWER
17 FACILITIES AND SYSTEMS SHALL BE LOCATED, DESIGNED AND CONSTRUCTED
18 TO MINIMIZE OR ELIMINATE FLOOD DAMAGES AND THE INFILTRATION OF
19 FLOOD WATERS;

20 B. SANITARY SEWER FACILITIES AND SYSTEMS SHALL BE
21 DESIGNED TO PREVENT THE DISCHARGE OF UNTREATED SEWAGE INTO FLOOD
22 WATERS;

23 C. NO PART OF ANY ON-SITE SEWAGE SYSTEM SHALL BE
24 LOCATED WITHIN ANY IDENTIFIED FLOODWAY AREA EXCEPT IN STRICT
25 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS FOR SUCH SYSTEMS.
26 IF ANY SUCH SYSTEM IS PERMITTED, IT SHALL BE LOCATED SO AS TO AVOID

IMPAIRMENT TO IT, OR CONTAMINATION FROM IT, DURING A FLOOD;

1. SEPTIC TANKS SHALL BE ANCHORED TO RESIST
BUOYANT FORCES DUE TO INUNDATION.

2. CESSPOOLS AND SEEPAGE PITS ARE PROHIBITED.

3. ALL PIPES CONNECTED TO SEWAGE SYSTEMS
SHALL BE SEALED TO PREVENT LEAKAGE.

D. ALL OTHER UTILITIES SUCH AS GAS LINES,
ELECTRICAL AND TELEPHONE SYSTEMS SHALL BE LOCATED, ELEVATED (WHERE
POSSIBLE), AND CONSTRUCTED TO MINIMIZE THE CHANCE OF IMPAIRMENT
DURING A FLOOD;

E. ALL NEW STORM DRAINAGE FACILITIES WITHIN AND
LEADING TO OR FROM THE FLOODPLAIN DISTRICT SHALL BE ADEQUATELY
DESIGNED, FLOODPROOFED, AND INSTALLED TO ELIMINATE OR MINIMIZE
PROPERTY DAMAGE RESULTING FROM THE FLOOD WATERS OF THE ONE HUNDRED
(100) YEAR FLOOD AND TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS OF
THEIR INSTALLATION AND USE;

F. THE PROPOSED PROVISION OF UTILITIES SHALL HAVE
NO MEASURABLE EFFECT ON THE STREAM, STREAM VELOCITIES, WATER
SURFACE ELEVATIONS DURING THE 100-YEAR STORM, OR ANY EXISTING
DEVELOPMENT; AND IS DEMONSTRATED AS SUCH USING THE CRITERIA
ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

G. ANY EFFECT ON FLOOD HEIGHTS FROM THE PROPOSED
PROVISION OF UTILITIES SHALL BE FULLY OFFSET BY ACCOMPANYING STREAM
MODIFICATION AND THE DEVELOPMENT IS APPROVED BY ALL APPROPRIATE
LOCAL AUTHORITIES, THE MARYLAND DEPARTMENT OF NATURAL RESOURCES,
WATER RESOURCES ADMINISTRATION, AND THE U.S. ARMY CORPS OF

1 ENGINEERS;

2 H. ALL PROPOSALS TO OFFSET THE EFFECTS OF THE
3 CONSTRUCTION OF UTILITIES IN THE FLOODWAY BY CONSTRUCTION OF STREAM
4 MODIFICATIONS, SHALL BE DOCUMENTED BY AN ENGINEERING STUDY PREPARED
5 BY A REGISTERED PROFESSIONAL ENGINEER WHICH FULLY EVALUATES THE
6 EFFECTS OF SUCH CONSTRUCTION AND SHALL BE SUBMITTED. THE REPORT
7 SHALL USE THE ONE HUNDRED (100) YEAR FLOOD AND FLOODWAY DATA AS
8 PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND ADOPTED
9 HEREIN AS THE BASIS OF THE ANALYSIS; AND

10 I. THE PROPOSED DEVELOPMENT WILL WITHSTAND THE
11 100-YEAR FLOOD WITHOUT SUBSTANTIAL DAMAGE.

12 5. ALL PROPOSALS TO OFFSET THE EFFECTS OF DEVELOPMENT
13 IN THE FLOODWAY BY CONSTRUCTION OF STREAM MODIFICATIONS, SHALL BE
14 DOCUMENTED BY AN ENGINEERING STUDY PREPARED BY A REGISTERED
15 PROFESSIONAL ENGINEER WHICH FULLY EVALUATES THE EFFECTS OF SUCH
16 CONSTRUCTION AND SHALL BE SUBMITTED WITH THE APPLICATION FOR A
17 BUILDING PERMIT. THE REPORT SHALL USE THE ONE HUNDRED (100) YEAR
18 FLOOD AND FLOODWAY DATA AS PREPARED BY THE FEDERAL EMERGENCY
19 MANAGEMENT AGENCY AND ADOPTED HEREIN AS THE BASIS OF THE ANALYSIS.
20 ANY DEVELOPMENT ALLOWED SHALL MEET THE REQUIREMENTS OF SECTION 131-
21 5.B. OF THIS ACT.

22 6. EXISTING NON-CONFORMING STRUCTURES AND/OR
23 DEVELOPMENT SHALL NOT BE EXPANDED, ENLARGED, OR SUBSTANTIALLY
24 IMPROVED UNLESS THE EFFECT OF THE PROPOSED IMPROVEMENT ON FLOOD
25 HEIGHTS IS FULLY OFFSET BY ACCOMPANYING STREAM MODIFICATIONS AND
26 THE IMPROVEMENT IS APPROVED BY THE MARYLAND WATER RESOURCES

1 ADMINISTRATION. THE ORIGINAL AT-GRADE PERIMETER (OR FOOTPRINT) OF
2 EXISTING NON-CONFORMING STRUCTURES AND/OR DEVELOPMENT SHALL NOT BE
3 INCREASED.

4 A. SUBSTANTIAL IMPROVEMENT OF A NON-CONFORMING
5 STRUCTURE AND/OR DEVELOPMENT REGARDLESS OF LOCATION SHALL BE
6 UNDERTAKEN ONLY IN FULL COMPLIANCE WITH THE PROVISIONS OF THIS AND
7 ANY OTHER APPLICABLE ORDINANCE.

8 B. THE MODIFICATION, ALTERATION, REPAIR,
9 RECONSTRUCTION OR IMPROVEMENT OF ANY KIND OF A NON-CONFORMING
10 STRUCTURE AND/OR DEVELOPMENT TO AN EXTENT OR AMOUNT OF LESS THAN
11 FIFTY (50) PERCENT OF ITS MARKET VALUE, SHALL BE ELEVATED AND/OR
12 FLOODPROOFED TO THE GREATEST EXTENT POSSIBLE.

13 C. IN THE EVENT ANY STRUCTURE LOCATED IN THE
14 FLOODWAY SUSTAINS SUBSTANTIAL DAMAGE, AS DEFINED HEREIN, EVERY
15 EFFORT SHALL BE MADE TO ACQUIRE AND REMOVE THE DAMAGED STRUCTURE
16 FROM THE FLOODWAY USING FUNDS AVAILABLE FOR THE MARYLAND FLOOD
17 MANAGEMENT GRANT PROGRAM, PROGRAM OPEN SPACE, FEDERAL MITIGATION
18 PROGRAMS, OR OTHER SOURCE.

19 7. THE FOLLOWING SHALL NOT BE PLACED OR CAUSED TO BE
20 PLACED IN THE FLOODWAY:

21 A. FENCES, EXCEPT WHEN USED FOR AGRICULTURAL
22 PURPOSES AND ON AGRICULTURALLY-ASSESSED PROPERTY; AND

23 B. MAN-MADE OBSTRUCTIONS WHICH MAY IMPEDE, RETARD
24 OR CHANGE THE DIRECTION OF THE FLOW OF WATER OR THAT WILL CATCH OR
25 COLLECT DEBRIS CARRIED BY SUCH WATER, OR THAT IS PLACED WHERE THE
26 NATURAL FLOW OF THE STREAM OR FLOOD WATERS WOULD CARRY THE SAME

1 DOWNSTREAM TO THE DAMAGE OR DETRIMENT OF EITHER PUBLIC OR PRIVATE
2 PROPERTY IN OR ADJACENT TO THE FLOODPLAIN.

3 B. IN THE FLOODWAY FRINGE THE FOLLOWING REGULATIONS SHALL
4 APPLY:

5 1. ANY DEVELOPMENT AND/OR CONSTRUCTION OF UTILITIES
6 APPROVED SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE
7 PERMIT PROGRAMS OF THE MARYLAND DEPARTMENT OF NATURAL RESOURCES,
8 WATER RESOURCES ADMINISTRATION AND THE U.S. ARMY CORPS OF
9 ENGINEERS.

10 2. WHERE FLOOD CONTROL, WATERSHED MANAGEMENT, AND
11 FLOODPRONE PROPERTY ACQUISITION PLANS EXIST ALL DEVELOPMENT SHALL
12 BE CONSISTENT WITH SUCH PLANS. ANY PROPERTY IDENTIFIED FOR FUTURE
13 ACQUISITION UNDER THE FLOOD MANAGEMENT GRANT PROGRAM SHALL NOT BE
14 ALLOWED TO BE SUBSTANTIALLY IMPROVED.

15 3. THE CONSTRUCTION, RECONSTRUCTION AND/OR SUBSTANTIAL
16 IMPROVEMENT OF ANY STRUCTURE SHALL BE PROHIBITED, EXCEPT AS
17 PERMITTED IN SECTION 131-11 OF THIS CHAPTER. ROUTINE MAINTENANCE
18 AND MINOR ALTERATION AND REPAIR MODIFICATIONS TO EXISTING
19 STRUCTURES FOR FLOODPROOFING PURPOSES SHALL BE EXCEPTIONS.
20 FLOODPROOFING MODIFICATIONS SHALL INCLUDE ELEVATING THE LOWEST
21 FLOOR, AS DEFINED HEREIN, OF THE STRUCTURE TO OR ABOVE THE LEVEL OF
22 ONE (1) FOOT ABOVE THE ELEVATION OF THE ONE HUNDRED (100) YEAR
23 FLOOD OR COMPLETELY DRY FLOODPROOFING AS SPECIFIED BY THE U.S. ARMY
24 CORPS OF ENGINEERS.

25 4. PLACEMENT OF FILL MATERIAL WITHIN THE FLOODWAY
26 FRINGE AREA SHALL BE PROHIBITED EXCEPT FOR THAT ASSOCIATED WITH THE

1 INSTALLATION OF PUBLIC UTILITY FACILITIES.

2 5. ALL DEVELOPMENT SHALL BE UNDERTAKEN IN A MANNER
3 WHICH MINIMIZES ADVERSE IMPACTS ON AQUATIC AND TERRESTRIAL HABITATS
4 AND THEIR RELATED FLORA AND FAUNA.

5 6. A LANDSCAPE PLAN PREPARED BY A LANDSCAPE ARCHITECT
6 REGISTERED IN THE STATE OF MARYLAND SHALL BE SUBMITTED AND APPROVED
7 AS A PART OF ANY APPROVAL FOR PROJECTS IN THE FLOODWAY FRINGE AREA.
8 SUCH PLAN(S) SHALL INCLUDE THE FOLLOWING MINIMUM ELEMENTS:

9 A. DESIGN OF LAND CONTOURS AND THE CHOICE OF PLANT
10 MATERIALS SHALL DIRECT SURFACE RUNOFF AWAY FROM STREAMS AND
11 STRUCTURES, AND SHALL NOT INCREASE SURFACE RUNOFF ONTO NEIGHBORING
12 PROPERTIES;

13 B. ADEQUATE GROUND COVER, TREES AND SHRUBS SHALL
14 BE PROVIDED FOR SOIL STABILIZATION WITHIN THE FLOODPLAIN DISTRICT;

15 C. ASSURANCE THAT THE PROPOSAL WILL NOT BE
16 INCONSISTENT WITH ANY TREE MAINTENANCE, GREENWAY, OR EROSION
17 REGULATIONS.

18 7. STORAGE
19 MATERIALS THAT ARE BUOYANT, FLAMMABLE, EXPLOSIVE, OR
20 THAT IN TIMES OF FLOODING COULD BE INJURIOUS TO HUMAN, ANIMAL OR
21 PLANT LIFE SHALL NOT BE STORED IN ANY PORTION OF THE FLOODPLAIN
22 EXCEPT FOR UNDERGROUND FUEL STORAGE IN CONJUNCTION WITH WATER
23 DEPENDENT FACILITIES INSTALLED IN ACCORDANCE WITH THE NATIONAL FIRE
24 PROTECTION ASSOCIATION OR OTHER APPLICABLE STANDARDS AS UTILIZED BY
25 HARFORD COUNTY IN REVIEWING AND APPROVING THE INSTALLATION OF SUCH
26 FACILITIES.

8. FILL

WHERE ALLOWED, FILL MATERIAL SHALL MEET THE FOLLOWING ADDITIONAL REQUIREMENTS:

A. FILL SHALL CONSIST OF SOIL OR ROCK MATERIALS ONLY. LANDFILLS, DUMPS AND SANITARY SOIL FILLS SHALL NOT BE PERMITTED;

B. FILL MATERIAL SHALL BE COMPACTED TO 95 PERCENT OF THE MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST METHOD ISSUED BY THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM STANDARD D-698) TO PROVIDE THE NECESSARY STABILITY AND RESISTANCE TO EROSION, SCOURING OR SETTLING;

C. FILL SLOPES SHALL BE NO STEEPER THAN ONE (1) VERTICAL TO TWO (2) HORIZONTAL, UNLESS SUBSTANTIATING DATA JUSTIFYING STEEPER SLOPES ARE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF PUBLIC WORKS;

D. FILL SHALL BE USED ONLY TO THE EXTENT TO WHICH IT DOES NOT ADVERSELY AFFECT ADJACENT PROPERTIES;

E. THE EXTENT OF ANY FILL INSTALLED SHALL NOT RAISE THE FLOOD ELEVATION.

9. MANUFACTURED HOME PARKS AND SUBDIVISIONS

THE PLACEMENT OR SUBSTANTIAL IMPROVEMENT OF MANUFACTURED HOMES IN EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS SHALL MEET THE FOLLOWING REQUIREMENTS:

A. MANUFACTURED HOMES PLACED OR SUBSTANTIALLY IMPROVED ON SITES IN AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION ON WHICH A MANUFACTURED HOME HAS INCURRED SUBSTANTIAL

1 DAMAGE SHALL BE ELEVATED SO THAT ITS LOWEST FLOOR IS AT OR ABOVE
2 THE 100 YEAR FLOOD ELEVATION AND BE SECURELY ANCHORED TO AN
3 ADEQUATELY ANCHORED FOUNDATION SYSTEM TO RESIST FLOTATION,
4 COLLAPSE, AND LATERAL MOVEMENT.

5 10. PIERS AND COVERED BOAT SLIPS SHALL BE PERMITTED AND
6 NOT SUBJECT TO THE FLOODPROOFING REQUIREMENTS OF THIS SECTION.

7 11. RECREATIONAL VEHICLES

8 RECREATIONAL VEHICLES PLACED ON SITES IN THE
9 FLOODPLAIN SHALL:

10 A. BE ON THE SITE FOR FEWER THAN 180 CONSECUTIVE
11 DAYS, AND

12 B. BE FULLY LICENSED, HAS NO PERMANENTLY ATTACHED
13 ADDITIONS AND READY FOR HIGHWAY USE, OR

14 C. MEET THE PERMIT AND OTHER REQUIREMENTS FOR
15 MANUFACTURED HOMES IN THIS ARTICLE.

16 12. ALL NEW OR REPLACEMENT UTILITIES SHALL BE STRICTLY
17 REGULATED BY THE HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS IN
18 ACCORDANCE WITH THE FOLLOWING PROVISIONS:

19 A. WATER AND SANITARY SEWER FACILITIES AND
20 SYSTEMS SHALL BE LOCATED, DESIGNED AND CONSTRUCTED TO MINIMIZE OR
21 ELIMINATE FLOOD DAMAGES AND THE INFILTRATION OF FLOOD WATERS.

22 B. SANITARY SEWER FACILITIES AND SYSTEMS SHALL BE
23 DESIGNED TO PREVENT THE DISCHARGE OF UNTREATED SEWAGE INTO FLOOD
24 WATERS.

25 C. NO PART OF ANY ON-SITE SEWAGE SYSTEM SHALL BE
26 LOCATED WITHIN ANY IDENTIFIED FLOODPLAIN AREA EXCEPT IN STRICT

1 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS FOR SUCH SYSTEMS.
2 IF ANY SUCH SYSTEM IS PERMITTED, IT SHALL BE LOCATED SO AS TO AVOID
3 IMPAIRMENT TO IT, OR CONTAMINATION FROM IT, DURING A FLOOD.

4 1) SEPTIC TANKS SHALL BE SECURELY ANCHORED TO
5 RESIST BUOYANT FORCES DURING INUNDATION.

6 2) CESSPOOLS AND SEEPAGE PITS ARE PROHIBITED.

7 3) ALL PIPES CONNECTED TO SEWAGE SYSTEMS
8 SHALL BE SEALED TO PREVENT LEAKAGE.

9 D. ALL OTHER UTILITIES SUCH AS GAS LINES,
10 ELECTRICAL AND TELEPHONE SYSTEMS SHALL BE LOCATED, ELEVATED (WHERE
11 POSSIBLE), AND CONSTRUCTED TO MINIMIZE THE CHANCE OF IMPAIRMENT
12 DURING A FLOOD.

13 E. ALL NEW STORM DRAINAGE FACILITIES WITHIN AND
14 LEADING TO OR FROM THE FLOODPLAIN DISTRICT SHALL BE ADEQUATELY
15 DESIGNED, FLOODPROOFED, AND INSTALLED TO ELIMINATE OR MINIMIZE
16 PROPERTY DAMAGE RESULTING FROM THE FLOOD WATERS OF THE ONE HUNDRED
17 (100) YEAR FLOOD AND TO MINIMIZE ADVERSE ENVIRONMENTAL IMPACTS OF
18 THEIR INSTALLATION AND USE.

19 C. IN THE APPROXIMATE FLOODPLAIN THE FOLLOWING REGULATIONS
20 APPLY:

21 1. THE DEVELOPMENT REGULATIONS AS SPECIFIED IN SECTION
22 131-5 HEREIN;

23 2. HARFORD COUNTY SHALL OBTAIN, REVIEW AND REASONABLY
24 UTILIZE ANY ONE HUNDRED (100) YEAR FLOOD ELEVATION AND FLOODWAY
25 DATA AVAILABLE FROM A FEDERAL, STATE OR OTHER SOURCE SUCH AS THE
26 U.S. ARMY CORPS OF ENGINEERS AND SOIL CONSERVATION SERVICE, THE

1 STATE OF MARYLAND WATER RESOURCES ADMINISTRATION, OR ANY REGIONAL
2 PLANNING ORGANIZATION IN THE ENFORCEMENT OF THE ORDINANCE WITHIN
3 THE APPROXIMATE FLOODPLAIN;

4 3. WHEN THE ONE HUNDRED (100) YEAR FLOOD ELEVATION IS
5 NOT KNOWN, THE PROPERTY OWNER SHALL HAVE PREPARED AN EVALUATION OF
6 THE SITE IN ORDER TO ESTABLISH AN APPROPRIATE ONE HUNDRED (100)
7 YEAR FLOOD ELEVATION BY DETERMINING THE ELEVATION OF A POINT ON THE
8 APPROPRIATE FLOODPLAIN BOUNDARY SUCH EVALUATION SHALL BE PREPARED
9 IN CONSULTATION WITH THE WATER RESOURCES ADMINISTRATION BY AN
10 ENGINEER REGISTERED IN THE STATE OF MARYLAND.

11 D. IN THE COASTAL FLOODPLAIN, THE DEVELOPMENT REGULATIONS
12 FOR THE FLOODWAY FRINGE CITED IN SECTION 131-5.B. HEREIN SHALL
13 APPLY.

14 E. ANY DEVELOPMENT IN THE WETLAND FLOODPLAIN SHALL BE IN
15 CONFORMANCE WITH SECTIONS 267-41(D) AND 267-41.1 PERTAINING TO NON-
16 TIDAL AND TIDAL WETLANDS.

17 ARTICLE II. ADMINISTRATIVE PROVISIONS

18 SECTION 131-6. SUBDIVISION APPROVAL

19 A. PRELIMINARY PLAN - ALL PRELIMINARY PLANS FOR THE
20 SUBDIVISION OF LAND SHALL INDICATE THE LIMITS OF THE 100 YEAR
21 FLOODWAY, FLOODWAY FRINGE, AND APPROXIMATE FLOODPLAIN WHERE
22 IDENTIFIED ON THE FEMA MAPS. IF THE PLAN INCLUDES A STREAM WHICH
23 HAS A DRAINAGE AREA OF MORE THAN 100 ACRES, THE DEVELOPER SHALL
24 DETERMINE THE 100 YEAR FLOOD ELEVATION AND ESTABLISH A FLOODPLAIN
25 EASEMENT, BASED ON SUCH FLOOD ELEVATION. THIS EASEMENT SHALL BE
26 SHOWN ON THE PRELIMINARY PLAN. ALL SUBDIVISION PLANS WHICH INCLUDE

1 AREAS IDENTIFIED AS FLOODPLAIN SHALL BE REVIEWED BY HARFORD COUNTY
2 TO DETERMINE THAT:

3 1. THE PROPOSAL IS CONSISTENT WITH THE NEED TO MINIMIZE
4 FLOOD DAMAGE;

5 2. ALL PUBLIC AND PRIVATE UTILITIES AND FACILITIES
6 (INCLUDING SEWER, WATER, TELEPHONE, ELECTRIC GAS, ETC.) ARE
7 LOCATED, CONSTRUCTED AND FLOODPROOFED TO MINIMIZE OR ELIMINATE
8 FLOOD DAMAGE PURSUANT TO §131-5.A. AND B.;

9 3. ADEQUATE DRAINAGE IS PROVIDED TO REDUCE EXPOSURE TO
10 FLOOD HAZARDS;

11 4. AT LEAST ONE ACCESS WHICH, DURING THE 100 YEAR
12 FLOOD, SHALL PROVIDE SAFE VEHICULAR ACCESS TO AND EGRESS FROM THE
13 SUBDIVISION;

14 5. ADEQUATE MEASURES HAVE BEEN TAKEN TO MINIMIZE
15 ADVERSE ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT;

16 6. ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THE
17 STATE OF MARYLAND WATER RESOURCES ADMINISTRATION AND APPROPRIATE
18 FEDERAL AGENCIES; AND

19 7. TO THE GREATEST EXTENT POSSIBLE, THE FLOODPLAIN
20 DISTRICT IS PRESERVED AS OPEN SPACE AND THE FLOOD CARRYING CAPACITY
21 OF THE NATURAL FLOODPLAIN IS MAINTAINED. DEPENDING ON SPECIFIC
22 FLOOD CONDITIONS, ACCESS, AND THE TYPE OF DEVELOPMENT PROPOSED THE
23 DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY REQUIRE ALL
24 LOTS TO BE AT LEAST 80 PERCENT OUT OF THE FLOODPLAIN, AND THE 100-
25 YEAR FLOODPLAIN TO BE PLACED IN EASEMENT. DEEDS TO ALL NEW LOTS
26 CONTAINING FLOODPLAIN AREAS, CREATED AND RECORDED SHALL DISCLOSE

1 THE FLOOD RISK.

2 B. FINAL PLATS - THE LIMITS OF THE 100 YEAR FLOODPLAIN SHALL
3 BE SHOWN ON THE FINAL PLATS. IF THE DELINEATION OF THE FLOODPLAIN
4 IS BASED ON THE FEMA MAPS, THE FINAL PLAT SHALL CARRY A NOTE TO
5 THAT EFFECT. IF FLOODPLAIN COMPUTATIONS WERE DONE AND A FLOODPLAIN
6 EASEMENT CREATED, THE FINAL PLAT SHALL BEAR THE SEAL OF A
7 REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER.

8 SECTION 131-7. PROVISION OF UTILITIES

9 A. THE PLACEMENT OF UTILITIES IN THE FLOODPLAIN IS
10 DISCOURAGED, ESPECIALLY IN THE FLOODWAY. IF NO FEASIBLE
11 ALTERNATIVE EXISTS TO THE LOCATION OF UTILITIES IN THE FLOODPLAIN,
12 THEN IT SHALL BE THE RESPONSIBILITY OF THE HARFORD COUNTY
13 DEPARTMENT OF PUBLIC WORKS TO INSURE THAT THE LOCATION, DESIGN, AND
14 CONSTRUCTION OF SUCH UTILITIES SHALL BE IN ACCORDANCE WITH §131-
15 5.A.4. AND SECTION 131-5.B.12. OF THIS CHAPTER.

16 SECTION 131-8. GRADING PERMITS

17 A. PRIOR TO ISSUANCE OF A GRADING PERMIT FOR DEVELOPMENT
18 WITHIN THE FLOODPLAIN, THE DEVELOPER/CONTRACTOR SHALL PROVIDE
19 EVIDENCE THAT ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THE
20 STATE OF MARYLAND, WATER RESOURCES ADMINISTRATION, AND APPROPRIATE
21 FEDERAL AGENCIES.

22 B. IF THE DEVELOPMENT INCLUDES THE RELOCATION OR ALTERATION
23 OF A WATERCOURSE, A COPY OF THE WATER RESOURCES ADMINISTRATION
24 APPROVAL SHALL BE FORWARDED TO THE FEDERAL EMERGENCY MANAGEMENT
25 AGENCY, INCLUDING EVIDENCE THAT, WHERE APPROPRIATE, ADJACENT
26 JURISDICTIONS HAVE BEEN NOTIFIED OF SUCH APPROVAL.

1 C. IN ADDITION TO THE ABOVE REQUIREMENTS, A REGISTERED
2 PROFESSIONAL ENGINEER FOR THE DEVELOPER SHALL ASSURE HARFORD
3 COUNTY, IN WRITING, THAT THE FLOOD CARRYING CAPACITY WITHIN THE
4 ALTERED OR RELOCATED PORTION OF THE WATERCOURSE IN QUESTION WILL BE
5 MAINTAINED.

6 SECTION 131.9. BUILDING PERMITS - PRIOR TO ISSUANCE OF A
7 BUILDING PERMIT, THE FOLLOWING INFORMATION SHALL BE SUBMITTED TO
8 THE DEPARTMENT OF PLANNING AND ZONING, INCLUDING BUT NOT LIMITED TO
9 THE FOLLOWING:

10 A. NAME AND ADDRESS OF APPLICANT. THE APPLICANT MUST BE THE
11 OWNER OR AN AUTHORIZED AGENT OF THE OWNER;

12 B. NAME AND ADDRESS OF OWNER OF LAND ON WHICH DEVELOPMENT IS
13 PROPOSED;

14 C. NAME AND ADDRESS OF CONTRACTOR;

15 D. SITE LOCATION;

16 E. COPIES OF ISSUED PERMIT OR A WRITTEN STATEMENT FROM THE
17 ISSUING AUTHORITY INDICATING THAT A PERMIT IS NOT REQUIRED FROM THE
18 U.S. ARMY CORPS OF ENGINEERS, OR MARYLAND DEPARTMENT OF NATURAL
19 RESOURCES, WATER RESOURCES ADMINISTRATION WHERE NECESSARY;

20 F. A PLAN OF THE SITE SHOWING THE SIZE AND LOCATION OF THE
21 PROPOSED DEVELOPMENT AS WELL AS ANY EXISTING BUILDINGS OR
22 STRUCTURES;

23 G. PLANS DRAWN TO SCALE, SHOWING THE LOCATION, DIMENSIONS
24 AND ELEVATION IN MEAN SEA LEVEL/NGVD OF THE SITE IN RELATION TO THE
25 STREAM CHANNEL, SHORELINE, FLOODPLAIN DISTRICT AND FLOODPLAIN
26 DISTRICT SUBDISTRICTS;

1 H. FOR SUBSTANTIAL IMPROVEMENT TO AN EXISTING STRUCTURE, THE
2 MARKET VALUE ESTABLISHED BY THE ASSESSMENT VALUE OR AN APPRAISAL
3 PERFORMED BY A PROFESSIONAL REAL ESTATE APPRAISER OF THE MARKET
4 VALUE OF THE EXISTING STRUCTURE (LESS LAND VALUE) TO WHICH THE
5 SUBSTANTIAL IMPROVEMENT IS ASSOCIATED;

6 I. SUMMARY DESCRIPTION OF PROPOSED WORK AND ESTIMATED COST;

7 J. DEPENDING ON THE TYPE OF DEVELOPMENT AND/OR STRUCTURE
8 INVOLVED AND FOR STRUCTURES TO BE ELEVATED ABOVE THE ONE HUNDRED
9 YEAR FLOOD ELEVATION, THE FOLLOWING INFORMATION SHALL ALSO BE
10 INCLUDED IN THE APPLICATION:

11 1. THE SIZE OF THE PROPOSED STRUCTURE(S) AND ITS
12 POSITION ON THE LOT WHERE IT IS TO BE CONSTRUCTED;

13 2. THE ELEVATIONS OF THE PROPOSED FINAL GRADING AND
14 LOWEST FLOOR, AND THE EXISTING GROUND AND 100 YEAR FLOOD ELEVATION
15 AS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR SURVEYOR;

16 3. THE METHOD OF ELEVATING THE PROPOSED STRUCTURE,
17 INCLUDING THE DETAILS OF PROPOSED FILLS, PILE STRUCTURES, RETAINING
18 WALLS, FOUNDATIONS, EROSION PROTECTION MEASURES, ETC. THESE PLANS
19 SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER.

20 SECTION 131-10. INSPECTIONS

21 A. AFTER THE ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT
22 BY HARFORD COUNTY, NO CHANGES OF ANY KIND SHALL BE MADE TO THE
23 APPLICATION, PERMIT, OR ANY OF THE PLANS, SPECIFICATIONS, OR OTHER
24 DOCUMENTS SUBMITTED WITH THE APPLICATION WITHOUT THE WRITTEN
25 CONSENT OF HARFORD COUNTY.

26 B. WORK ON THE PROPOSED GRADING OR CONSTRUCTION SHALL BEGIN

1 WITHIN ONE YEAR AFTER THE DATE OF ISSUANCE OF THE BUILDING PERMIT
2 OR THE PERMIT SHALL EXPIRE.

3 C. DURING THE CONSTRUCTION PERIOD, THE BUILDING OFFICIAL OR
4 OTHER AUTHORIZED OFFICIAL SHALL INSPECT THE PREMISES TO DETERMINE
5 THAT THE WORK IS PROGRESSING IN COMPLIANCE WITH THE PERMIT AND WITH
6 ALL APPLICABLE LAWS AND ORDINANCES. THE PREMISES SHALL ALSO BE
7 SUBJECT TO INSPECTION BY THE STATE OF MARYLAND, WATER RESOURCES
8 ADMINISTRATION. IN THE EVENT THAT THE BUILDING OFFICIAL DETERMINES
9 THAT THE WORK IS NOT IN COMPLIANCE WITH THE PERMIT OR ALL
10 APPLICABLE LAWS AND ORDINANCES, OR THAT THERE HAS BEEN A FALSE
11 STATEMENT OR MISREPRESENTATION BY THE APPLICANT, THE BUILDING
12 OFFICIAL SHALL REVOKE THE BUILDING PERMIT AND REPORT SUCH FACT TO
13 THE MARYLAND WATER RESOURCES ADMINISTRATION FOR WHATEVER ACTION IT
14 CONSIDERS NECESSARY.

15 D. WORK ON THE PROPOSED CONSTRUCTION SHALL PROGRESS STEADILY
16 THROUGH PROJECT COMPLETION. ANY WORK WHICH RESUMES AFTER A STOP IN
17 WORK FOR 180 DAYS OR MORE SHALL REQUIRE THE ISSUANCE OF A NEW
18 PERMIT.

19 E. A CERTIFICATE OF OCCUPANCY SHALL BE REQUIRED FOR ALL
20 CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS IN THE FLOODPLAIN
21 DISTRICT AND SHALL NOT BE ISSUED UNTIL HARFORD COUNTY HAS BEEN
22 PROVIDED WITH A COMPLETED ELEVATION CERTIFICATE PREPARED BY A
23 REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER CERTIFYING THE
24 "AS-BUILT" CONDITION OF THE SUBJECT CONSTRUCTION. THE DATUM USED
25 ON THE ELEVATION CERTIFICATE SHALL BE MEAN SEA LEVEL AS ESTABLISHED
26 BY THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.

1 F. A RECORD OR LOG OF ALL FLOODPLAIN DISTRICT PERMIT ACTIONS
2 SHALL BE MAINTAINED BY THE DEPARTMENT OF PLANNING AND ZONING AND
3 SHALL BE AVAILABLE UPON REQUEST BY THE FEDERAL EMERGENCY MANAGEMENT
4 AGENCY OR ITS AUTHORIZED AGENT (THE WATER RESOURCES ADMINISTRATION)
5 DURING PERIODIC ASSESSMENTS OF HARFORD COUNTY'S PARTICIPATION IN
6 THE NATIONAL FLOOD INSURANCE PROGRAM. SUCH RECORD SHALL INCLUDE AT
7 A MINIMUM THE DATE THE PERMIT WAS ISSUED, THE AS-BUILT LOWEST FLOOR
8 ELEVATION OF ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT, THE
9 ISSUANCE OF THE COMPLETED ELEVATION CERTIFICATE AND ANY MAP
10 AMENDMENTS ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

11 SECTION 131-11. WAIVERS

12 A. APPLICATIONS FOR WAIVERS MAY BE CONSIDERED BY THE
13 DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING FOR THE FOLLOWING
14 CONDITIONS:

15 1. NEW CONSTRUCTION OF OR SUBSTANTIAL IMPROVEMENTS TO
16 NON-RESIDENTIAL STRUCTURES OR PORTIONS THEREOF WHERE CERTIFICATION
17 IS PROVIDED BY A REGISTERED PROFESSIONAL ENGINEER THAT THE
18 STRUCTURE WILL BE DRY FLOODPROOFED IN ACCORDANCE WITH THE
19 SPECIFICATIONS OF THE U.S. ARMY CORPS OF ENGINEERS TO ONE (1) FOOT
20 ABOVE THE ONE HUNDRED (100) YEAR FLOOD ELEVATION, OR BE ELEVATED
21 PURSUANT TO THE REQUIREMENTS IN SECTION 131-11.2. BELOW.
22 CONSTRUCTION OF STRUCTURES IN THE FLOODWAY FRINGE SHALL BE IN
23 ACCORDANCE WITH SECTION 131-11.3.;

24 2. NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF
25 RESIDENTIAL STRUCTURES, PROVIDED THAT THE LOWEST FLOOR (INCLUDING
26 BASEMENT) OF ALL STRUCTURES SHALL BE AT LEAST ONE (1) FOOT ABOVE

1 THE ONE HUNDRED (100) YEAR FLOOD ELEVATION. IN ADDITION,
2 DEVELOPMENT ACTIVITIES SHALL BE IN ACCORDANCE WITH SECTION 131-
3 11.3. BELOW;

4 3. NEW CONSTRUCTION OF OR SUBSTANTIAL IMPROVEMENTS TO
5 DETACHED GARAGES WHICH ARE USED SOLELY FOR STORAGE OR PARKING OF
6 VEHICLES AND ARE DESIGNED TO AUTOMATICALLY EQUALIZE HYDROSTATIC
7 PRESSURES ON WALLS BY ALLOWING FOR THE ENTRY AND EXIT OF FLOODWATER
8 AND MEET THE REQUIREMENTS FOR CONSTRUCTION OF STRUCTURES IN THE
9 FLOODWAY FRINGE IN SECTION 131-11.A.4.

10 4. STRUCTURES AND/OR FOUNDATIONS BELOW THE 100-YEAR
11 FLOOD ELEVATION SHALL BE CONSTRUCTED WITH APPROPRIATE BUILDING
12 MODIFICATIONS TO AUTOMATICALLY EQUALIZE HYDROSTATIC FLOOD FORCES BY
13 ALLOWING FOR THE ENTRY AND EXIT OF FLOODWATERS, INCLUDING (UNLESS
14 OTHERWISE APPROVED BY A PROFESSIONAL REGISTERED ENGINEER):

15 A. A MINIMUM OF TWO OPENINGS ON SEPARATE SIDES OF
16 THE STRUCTURE HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE
17 INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING
18 SHALL BE PROVIDED;

19 B. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER
20 THAN ONE (1) FOOT ABOVE GRADE; AND

21 C. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS,
22 VALVES, OR OTHER COVERINGS OR DEVICES PROVIDED THAT THEY PERMIT THE
23 AUTOMATIC ENTRY AND EXIT OF FLOODWATERS.

24 D. A STATEMENT SHALL BE PLACED ON THE BUILDING
25 PLANS WHICH SHALL READ AS FOLLOWS: "NO CONVERSION OF THIS AREA TO
26 HABITABLE SPACE IS TO OCCUR UNLESS THE LOWEST FLOOR IS ELEVATED TO

1 ONE (1) FOOT ABOVE THE ONE HUNDRED (100) YEAR FLOOD ELEVATION. AT
2 THIS SITE THE ONE HUNDRED (100) YEAR FLOOD ELEVATION IS
3 _____."

4 E. THE FLOOR ELEVATION OF THE STRUCTURE SHALL NOT
5 QUALIFY AS A BASEMENT AND MUST BE CONSTRUCTED ON OR ABOVE GRADE.

6 F. THE STRUCTURE SHALL BE CONSTRUCTED AND PLACED
7 ON THE BUILDING SITE SO AS TO OFFER THE MINIMUM RESISTANCE TO THE
8 FLOW OF FLOODWATERS.

9 G. STRUCTURES SHALL BE FIRMLY ANCHORED IN
10 ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES TO PREVENT
11 FLOTATION, COLLAPSE, OR LATERAL MOVEMENT.

12 H. THE SERVICE FACILITIES, SUCH AS ELECTRICAL,
13 PLUMBING, AND HEATING EQUIPMENT, SHALL BE ELEVATED TO THE ONE
14 HUNDRED (100) YEAR FLOOD ELEVATION OR BE FLOODPROOFED.

15 I. THE APPLICANT SHALL BE MADE AWARE THAT IF THE
16 STRUCTURE IS BUILT BELOW THE ONE HUNDRED (100) YEAR FLOOD ELEVATION
17 AND IS NOT FLOODPROOFED, THE AFORESAID STRUCTURE MAY BE SUSCEPTIBLE
18 TO HIGHER INSURANCE PREMIUM RATES FOR THE STRUCTURE AND ITS
19 CONTENTS.

20 5. RECONSTRUCTION, REHABILITATION, OR RESTORATION OF
21 STRUCTURES LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES OR
22 STATE INVENTORY OF HISTORIC PLACES PURSUANT TO SECTION 131-11.H.

23 B. WAIVERS SHALL NOT BE GRANTED FOR:

- 24 1. THE PLACEMENT OF FILL IN THE FLOODWAY;
25 2. NEW CONSTRUCTION LOCATED IN THE FLOODWAY;

1 3. DEVELOPMENT IN THE FLOODWAY.

2 C. THE GRANTING OF WAIVERS SHALL BE SUBJECT TO THE FOLLOWING
3 CONDITIONS:

4 1. A DEMONSTRATION OF GOOD AND SUFFICIENT CAUSE;

5 2. A DETERMINATION THAT FAILURE TO GRANT THE WAIVER
6 WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT (ECONOMIC
7 HARDSHIP SHALL NOT BE CONSIDERED EXCEPTIONAL)

8 3. A DETERMINATION THAT THE GRANTING OF A WAIVER WILL
9 NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC
10 SAFETY, OR EXTRAORDINARY PUBLIC EXPENSE, OR CREATE NUISANCES, CAUSE
11 FRAUD OR VICTIMIZATION OF THE PUBLIC, OR CONFLICT WITH EXISTING
12 LOCAL LAWS OR ORDINANCES.

13 4. GRANTING OF A WAIVER FROM THE WATER RESOURCES
14 ADMINISTRATION, FAVORABLE COMMENTS FROM THE STATE COORDINATING
15 OFFICE OF THE WATER RESOURCES ADMINISTRATION, AND COMPLIANCE WITH
16 B. AND D. OF THIS SECTION.

17 5. ANY OTHER REASONABLE CONDITIONS AS DETERMINED BY THE
18 DIRECTOR OF PLANNING AND ZONING TO BE NECESSARY FOR THE PROTECTION
19 OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

20 6. THE NEED FOR OPEN SPACE PRESERVATION HAS BEEN
21 CAREFULLY CONSIDERED IN LIGHT OF THE FUNCTION OF THE FLOODPLAIN AND
22 NO REASONABLE ALTERNATIVE SITE FOR THE DEVELOPMENT EXISTS OUTSIDE
23 OF THE FLOODPLAIN;

24 D. WAIVERS SHALL ONLY BE GRANTED UPON A DETERMINATION THAT
25 IT IS THE MINIMUM NECESSARY, CONSIDERING THE FLOOD HAZARD, TO
26 AFFORD RELIEF AND THAT LOCAL PUBLIC FUNDS MAY NOT BE AVAILABLE TO

1 MITIGATE THE RESULTS OF SUCH WAIVER.

2 E. THE APPLICATION FOR A WAIVER SHALL BE SUBMITTED TO THE
3 DIRECTOR OF PLANNING AND ZONING AND SHALL COMPLY WITH THE
4 PROVISIONS AND REQUIREMENTS OF ARTICLE II OF THIS ACT.

5 F. THE APPLICANT/OWNER OF STORAGE STRUCTURES, GARAGE
6 STRUCTURES, AND/OR ACCESSORY STRUCTURES FOR WHICH A WAIVER IS
7 GRANTED SHALL SIGN A DEED RESTRICTION THAT SHALL BE RECORDED WITH
8 PROPERTY THAT SUCH STRUCTURES SHALL NEVER BE CONVERTED TO HABITABLE
9 SPACE.

10 G. A RECORD OF ALL WAIVER ACTIONS, INCLUDING JUSTIFICATIONS
11 FOR THEIR ISSUANCE SHALL BE MAINTAINED BY THE DEPARTMENT OF
12 PLANNING AND ZONING, SHALL BE INCLUDED IN THE BI-ANNUAL REPORT
13 SUBMITTED TO THE FEDERAL INSURANCE ADMINISTRATOR, AND SHALL BE
14 AVAILABLE UPON REQUEST BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY
15 OR ITS AUTHORIZED AGENT DURING PERIODIC ASSESSMENTS OF HARFORD
16 COUNTY'S PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

17 H. WAIVERS MAY BE ISSUED FOR THE RECONSTRUCTION,
18 REHABILITATION OR RESTORATION OF STRUCTURES LISTED IN THE NATIONAL
19 REGISTER OF HISTORIC PLACES OR STATE INVENTORY OF HISTORIC PLACES,
20 UPON A DETERMINATION THAT THE PROPOSED REPAIR OR RECONSTRUCTION
21 WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A
22 HISTORIC STRUCTURE. IN ADDITION, THE WAIVER MUST BE THE MINIMUM
23 NECESSARY TO PRESERVE THE HISTORIC CHARACTER AND DESIGN OF THE
24 STRUCTURE. SUCH A WAIVER MAY BE GRANTED WITHOUT REGARD TO THE
25 PROCEDURES SET FORTH HEREIN PROVIDED THAT SUCH ACTIVITY DOES NOT
26 CAUSE AN INCREASE IN THE ELEVATION OF THE ONE HUNDRED (100) YEAR

1 FLOOD AS ESTABLISHED AND ADOPTED BY THIS ORDINANCE.

2 I. NOTICE OF THE FLOOD HAZARD AND THE WAIVER ACTION AND
3 CONDITIONS SHALL BE PLACED ON THE DEED OR OTHER DOCUMENTS WHICH
4 CONVEY TITLE OF ALL NEWLY CREATED OR RECORDED PROPERTIES.

5 SECTION 131-12. PENALTIES

6 A. ANY PERSON WHO FAILS TO COMPLY WITH ANY OR ALL OF THE
7 REQUIREMENTS OR PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A
8 MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE THAN ONE
9 THOUSAND DOLLARS (\$1,000.00) OR IMPRISONED NOT MORE THAN SIX (6)
10 MONTHS PER OFFENSE, OR BOTH, AT THE DISCRETION OF THE COURT.

11 B. EACH DAY DURING WHICH ANY VIOLATION OF THIS ORDINANCE
12 CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

13 C. OTHER REMEDIES: THE COUNTY MAY INSTITUTE INJUNCTIVE OR
14 OTHER APPROPRIATE ACTION OR PROCEEDINGS AT LAW OR EQUITY FOR THE
15 ENFORCEMENT OF THIS CHAPTER. ANY COURT OF COMPETENT JURISDICTION
16 MAY ISSUE RESTRAINING ORDERS, TEMPORARY OR PERMANENT INJUNCTIONS,
17 OR OTHER APPROPRIATE FORMS OF REMEDY OR RELIEF TO RESTRAIN OR
18 CORRECT VIOLATIONS OF THIS SECTION.

19 D. THE IMPOSITION OF A FINE OR PENALTY FOR ANY VIOLATION OF
20 OR NON-COMPLIANCE WITH THIS ORDINANCE SHALL NOT EXCUSE THE
21 VIOLATION OR NON-COMPLIANCE OR PERMIT IT TO CONTINUE, AND ALL SUCH
22 PERSONS SHALL BE REQUIRED TO CORRECT OR REMEDY SUCH VIOLATIONS AND
23 NON-COMPLIANCE WITHIN A REASONABLE TIME.

24 E. ANY STRUCTURE CONSTRUCTED, RECONSTRUCTED, ENLARGED,
25 ALTERED, OR RELOCATED IN NON-COMPLIANCE WITH THIS CHAPTER SHALL BE
26 DECLARED BY HARFORD COUNTY TO BE A PUBLIC NUISANCE AND ABATABLE AS

1 SUCH.

2 F. THE FEDERAL INSURANCE ADMINISTRATOR AND THE MARYLAND
3 WATER RESOURCES ADMINISTRATION SHALL BE NOTIFIED IMMEDIATELY IN
4 WRITING OF ANY STRUCTURE OR PROPERTY IN VIOLATION OF THIS
5 ORDINANCE.

6 G. NEW OR RENEWAL NATIONAL FLOOD INSURANCE MAY NOT BE
7 AVAILABLE FOR ANY STRUCTURE REMAINING IN VIOLATION OR SITUATED ON
8 PROPERTY IN VIOLATION OF THIS ORDINANCE.

9 SECTION 131-13. MISCELLANEOUS

10 A. COUNTY LIABILITY

11 THIS LAW DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF A
12 SPECIAL FLOOD HAZARD OR USES PERMITTED WITHIN SUCH AREAS WILL BE
13 FREE FROM FLOODING OR FLOOD DAMAGES. LARGER FLOODS CAN AND WILL
14 OCCUR. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL
15 CAUSES. THE GRANTING OF A PERMIT OR APPROVAL IS NOT A
16 REPRESENTATION, GUARANTEE, OR WARRANTY OF ANY KIND AND SHALL CREATE
17 NO LIABILITY UPON THE COUNTY, ITS OFFICIALS, AGENTS OR EMPLOYEES.

18 B. ADMINISTRATIVE FEES

19 HARFORD COUNTY MAY IMPOSE ADDITIONAL APPLICATION FEES
20 COMMENSURATE WITH THOSE COSTS INCURRED IN THE PROCESSING, REVIEW
21 AND EVALUATION OF PERMIT APPLICATIONS FOR DEVELOPMENT IN THE
22 FLOODPLAIN DISTRICT. SUCH COSTS MAY INCLUDE BUT ARE NOT LIMITED
23 TO: CONSULTANT FEES FOR CERTIFICATION OF AS-BUILT CONDITION OF
24 STRUCTURES; FLOODPLAIN DISTRICT AND SUB-DISTRICT DELINEATIONS,
25 ENVIRONMENTAL IMPACT CHARACTERIZATIONS, STAFF ASSIGNMENTS AND OTHER
26 RELATED COSTS.

C. INTERPRETATION

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS
OF THIS ORDINANCE SHALL BE:

1. CONSIDERED AS MINIMUM REQUIREMENTS;
2. LIBERALLY CONSTRUED IN FAVOR OF PROPER FLOOD HAZARD
MANAGEMENT;
3. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS
GRANTED UNDER THE ANNOTATED CODE OF MARYLAND. SHOULD A DISPUTE
ARISE CONCERNING THE INTERPRETATION OF THIS ORDINANCE THE COUNSEL
OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE MARYLAND DEPARTMENT
OF NATURAL RESOURCES, OR FEDERAL EMERGENCY MANAGEMENT AGENCY 44
CODE OF FEDERAL REGULATIONS SHALL PREVAIL.

D. PARTIAL INVALIDITY AND SEVERABILITY

IF ANY SECTION, SUBSECTION, PARAGRAPH, SENTENCE, CLAUSE,
OR PHRASE OF THIS CHAPTER SHOULD BE DECLARED INVALID FOR ANY REASON
WHATSOEVER, SUCH DECISION SHALL NOT AFFECT THE REMAINING PORTIONS
OF THIS CHAPTER WHICH SHALL REMAIN IN FULL FORCE AND EFFECT, AND
FOR THIS PURPOSE, THE PROVISIONS OF THIS CHAPTER ARE HEREBY
DECLARED TO BE SEVERABLE.

F. PUBLIC INFORMATION, AWARENESS AND ASSISTANCE

THE HARFORD COUNTY COUNCIL MAY CONDUCT A FLOOD AWARENESS WEEK
DURING WHICH CITIZENS WILL BE SPECIFICALLY ALERTED TO THE HAZARDS
OF FLOODING AND THE METHODS BY WHICH FLOODING MAY BE MINIMIZED.
WHERE APPROPRIATE, FLOODPLAIN RESIDENTS WILL BE NOTIFIED OF THEIR
LOCATION IN THE FLOODPLAIN AND RETROFITTING MEASURES. THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND ZONING IN COOPERATION WITH THE

1 WATER RESOURCES ADMINISTRATION STATE COORDINATING OFFICE SHALL
2 PREPARE PERIODIC FLOOD HAZARD MANAGEMENT ARTICLES, PROMOTE THE
3 PURCHASE OF NATIONAL FLOOD INSURANCE WHERE APPROPRIATE, PROVIDE
4 TECHNICAL ADVICE TO INTERESTED CITIZENS AND PROMOTE GOOD FLOODPLAIN
5 MANAGEMENT. THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING
6 MAY PARTICIPATE IN TECHNICAL EDUCATIONAL SEMINARS TO MAINTAIN
7 AWARENESS OF FEDERAL AND STATE FLOODPLAIN MANAGEMENT REQUIREMENTS
8 AND MAY CONDUCT SUCH TECHNICAL EDUCATIONAL SEMINARS FOR THE STAFF
9 AND CITIZENRY. THE HARFORD COUNTY COUNCIL IN COOPERATION WITH THE
10 WATER RESOURCES ADMINISTRATION STATE COORDINATION OFFICE SHALL
11 REQUEST THE LOCAL LIBRARY OR OTHER APPROPRIATE MEETING PLACE TO
12 MAINTAIN AND PUBLICIZE DOCUMENTS RELATING TO FLOOD INSURANCE, FLOOD
13 PROTECTION, RETROFITTING, AND FLOODPLAIN MANAGEMENT.

14 Section 2. And Be It Further Enacted that this Act shall
15 take effect sixty (60) calendar days from the date it becomes law.

EFFECTIVE: December 3, 1990

BY THE COUNCIL

BILL NO. 90-45 (As Amended)

Read the third time.

Passed: LSD 90-29 (October 2, 1990)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 3rd day of October, 1990
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

COUNTY EXECUTIVE

Date 10-4-90

APPROVED:

BY THE COUNCIL

This Bill, (No. 90-45 As Amended), having been approved by
the Executive and returned to the Council, becomes law on October 4,
1990.

Doris Poulsen, Secretary

EFFECTIVE DATE: December 3, 1990